



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Variance

Phillip and Marcia Steckler/Map 247, Lot 6

June 2, 2010

Applicant: Phillip and Marcia Steckler
40 Eaton Avenue
Brattleboro, VT 05301

Location: 19 Geneva Point Road, Moultonborough, NH (Tax Map 247, Lot 6)

On May 19, 2010 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Phillip and Marcia Steckler (hereinafter referred to as the “Applicant” and/or “Owner”) for a variance from Article III (B) to allow for removal of the existing detached garage and placement of a new detached garage on the parcel located in the Agricultural Residential (AR) Zoning District to be located with the required front and side setbacks.

Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 19 Geneva Point Road (Tax Map 247, Lot 6).
- 2) The applicants are the owners of record for the lot.
- 3) The applicants were represented at the Public hearing by Dan Ellis of Ames Associates.
- 4) The lot is located in the Agricultural Residential (AR) Zoning District.
- 5) The existing detached garage is located within the front and side setbacks, nearer to the roadway than the proposed structure.
- 6) The proposed detached garage shall be located 12.7 feet from the side lot line (existing is 10.6 feet from side lot line), and 46 feet from the front lot line (existing is 20 feet from the front lot line).
- 7) The proposed new detached garage shall still be within the front and side setback lines.
- 8) The proposed detached garage shall be less non-conforming than the existing structure.

- 9) There is a large amount of rock ledge on the property limiting the area within which a garage may be located on the property.
- 10) The project is to conform with the plan submitted by Ames Associates entitled "ZBA Exhibit, Land of Stickler, Tax Map 247, Lot 6, Geneva Point Road, Moultonborough" and dated April 15, 2010.
- 11) The setbacks to be affected are the fifty foot (50') setback from a roadway, and the twenty foot (20') side setback.
- 12) No members of the public wished to speak on the application.
- 13) Granting the Variance will not be contrary to the public interest as the use of the lot for residential use is in accordance with the permitted uses in the Agricultural Residential (AR) Zoning District.
- 14) Granting the Variance is consistent with the spirit of the Ordinance as the intent of the use in the zoning district and the setback requirements are largely in conformance with the requirements of the Zoning Ordinance and the proposal is making the lot less non-conforming than currently exists.
- 15) By granting the Variance, substantial justice is done.
- 16) Granting the Variance does not diminish the value of surrounding properties as the neighborhood is largely comprised of single-family homes of like construction and style, some with detached garages.
- 17) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the lot size and location were pre-existing to zoning and create a very small available building envelope. Additionally, the large amount of ledge on the site precludes use of that area without excessive costs for removal, and hazard to the existing structure if blasting were required.
- 18) The Zoning Board of Adjustment voted by a vote of four (4) in favor (Stephens, Nolin, Heal, McCarthy), and none (0) opposed to continue the Public Hearing to June 2, 2010, and to direct the Town Planner to draft a Notice of Decision to Grant the Special Exception, to be reviewed by the Board at the June 2, 2010 Regular Meeting.

The Public Hearing was continued to June 2, 2010. The Board of Adjustment closed the Public Hearing on June 2, 2010. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of three (3) in favor (Stephens, Heal, Nolin), none (0) opposed, to **GRANT** the request for variance.

This decision shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

Robert H. Stephens
Chairman, Zoning Board of Adjustment

Date _____